PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	10/687,226	**Group Art Unit:**	3627
Applicant(s):	Gregory B. Hale *et al.*	**Examiner:**	Joseph A. Fischetti
Filing Date:	October 15, 2003	**Docket No.**	58085-010203
Title: MANAGEMENT OF THE FLOW OF PERSONS IN RELATION TO CENTERS OF CROWD CONCENTRATION VIA TELEVISION CONTROL		**Customer No.**	46560

RESPONSE TO FINAL OFFICE ACTION

Dear Sir:

In response to the Final Office Action of May 12, 2006 ("Office Action"), and of the Advisory Action dated August 28, 2006 ("Advisory Action"), Applicants file a Request for Continued Examination in conjunction with this response. Accordingly, Applicants request that Applicants' remarks and arguments in page 5 of this paper be reconsidered.

LISTING OF THE CLAIMS

Claims 1-18 (canceled)

Claim 19 (previously presented): A method of managing the loading of patrons to an attraction in an entertainment environment wherein patrons are permitted access to the attraction on at least two bases, the first being a first-in first-out basis, and the second being a priority basis established by a prior allocation of a time of entry into the attraction, comprising:

receiving from a patron a priority request for an allocation of a time of entry into the attraction, the priority request being entered on a television unit located at a resort facility, the priority request being received at a central computer that regulates the number of patrons allowed to enter the attraction, wherein the resort facility is related to the entertainment environment and is located remotely from the entertainment environment;

transmitting to the patron a response including available return times to the attraction, the response including available return times being transmitted to patron via the television unit;

receiving a selection of a return time from the available return times, the selection being made by the patron in response to the transmitted available return times to the attraction, the selection being made by the patron via the television unit; and

employing an operation to provide the patron access to the attraction, the operation providing priority access to the patron having the return time, the operation providing first-in first-out access to any patron not having an allocated return time.

Claim 20 (previously presented): The method of claim 19, further comprising receiving multiple priority requests from the patron, the multiple requests being for different attractions in the environment.

Claim 21 (previously presented): The method of claim 19, wherein a first selection of patrons is permitted to make multiple priority requests, the multiple priority requests being for patrons from a second selection of patrons.

Claim 22 (previously presented): The method of claim 19, wherein the television unit is located in a room of the patron, the room of the patron being associated with the entertainment environment.

Claim 23 (previously presented): The method of claim 22, further comprising receiving multiple priority requests from the patron, the multiple requests being for different attractions in the environment.

Claim 24 (previously presented): The method of claim 22, wherein a first selection of patrons is permitted to make multiple priority requests, the multiple priority requests being for patrons from a second selection of patrons.

Claim 25 (previously presented): The method of claim 19, wherein the television unit is located at a common area of a resort facility.

Claim 26 (previously presented): The method of claim 25, wherein further comprising receiving multiple priority requests from the patron, the multiple requests being for different attractions in the environment.

Claim 27 (previously presented): The method of claim 25, wherein a first selection of patrons is permitted to make multiple priority requests, the multiple priority requests being for patrons from a second selection of patrons.

Claim 28 (previously presented): The method of claim 19, wherein a hierarchy of patrons is generated based on patrons remotely located from the environment when making a priority request, and patrons located at the entertainment environment when making the priority request.

Claim 29 (previously presented): The method of claim 19, wherein a hierarchy of patrons is generated based on patrons remotely located from the environment when making a priority request, patrons residing in a facility associated with the entertainment environment, and patron located at the entertainment environment when making the priority request.

Claim 30 (previously presented): The method of claim 19, wherein the return time is redeemed through an automatic procedure, wherein the automatic procedure includes any one of a reading of a radio frequency identification allocated to the patron, a reading of a magnetic code allocated to the patron, or a reading of a barcode allocated to the patron.

Claim 31 (previously presented): The method of claim 19, wherein the return time is redeemed at a time of entry into the entertainment environment or at the time of entry into the attraction in the entertainment environment.

Claim 32 (previously presented): The method of claim 19, wherein said allocated return time may or may not be redeemed by said patron, and further comprising the steps of determining the number of unredeemed return times to the number of allocated times, and feeding back redemptions of return times such that near real time updates of return time availability may be computed.

Claim 33 (previously presented): The method of claim 19, further comprising the steps of permitting at least one exchange or return of the return time to the patron having the return time, and updating the computation of the number of patrons allowed to enter the attraction based on the at least one exchange or return of the return time.

Claim 34 (previously presented): The method of claim 19, further comprising the steps of factoring unredeemed return times into a computation of the number of patrons allowed to enter the attraction.

Claim 35-52 (withdrawn)

REMARKS

Claims 19-34 are pending.

Reconsideration of the rejections and objections set forth in the Office Action and of the Advisory Action is respectfully requested.

Claim Rejections - 35 U.S.C. § 103(a)

The Office Action states that Claims 19-26, and 30-34 under 35 U.S.C. 103(a) are unpatentable over Mahoney (U.S.P.N. 5,502,806) in view of Decker (U.S.P.N. 6,167,443) in further view of Haave et al. 5,367,330. The Office Action also states that Claims 27,28, and 29 under 35 U.S.C. 103(a) are unpatentable over Mahoney in view of Decker in further view of Christie (U.S.P.N. 5,502,806). Applicants respectfully disagree with the rejections set forth in the Office Action and submit that Claims 19-34 are patentable over the cited references for at least the following reasons.

I. The combination suggested in the Office Action does not teach all of the elements

The hypothetical combination of Mahoney, Decker and Haave, does not teach the elements of the present application. In particular, the combination of Mahoney, Decker and Haave would not teach at least the following limitations: a) the priority request being entered on a television unit, and b) a television unit located remotely from the entertainment environment. Neither the Office Action, nor the Advisory Action provides a clear indication of where these limitations are taught in Mahoney, Decker or Haave.

a) The combination does not teach the priority request being entered on a television unit.

In the Office Action, the Examiner recognizes that Maloney fails to disclose the priority request being entered on a television unit located at a resort facility. To cure this deficiency, the Decker is cited in the Office Action as follows: "Decker discloses a hotel room in which the a

[sic] television is used to order e.g. Italian food col. 12 line 49 [sic] which restaurant is located remotely of the room from [sic] it was ordered." *See* Office Action Page 3, Ln. 21-23. Applicants respectfully disagree.

Decker does not teach or disclose using a television unit to remotely request times to enter an attraction. Rather, the television unit in Decker is simply used as an output device, not as an input device. Careful reading of the cited text of Decker reveals that the Italian restaurant example refers to advertisement of Italian restaurants on the television screens, not ordering Italian food or any other items utilizing the television unit: "In addition, the system 60 has the ability to offer a listing of information relating to local merchants and to display this information on hotel television screens 100. The system 60 can be configured to display a listing of all local food vendors, or categorical information such as a listing of all Italian restaurants. The system 60 allows for selection of detailed information such as a display of menu items, prices, ordering information, etc. Based on the selections made by the user, the system controller 140 may utilize PBX 250 to communicate with the selected merchant to order goods or services for the user." *See* Decker Col. 12, Ln. 44-54.

Decker does not provide an indication that the television unit is utilized to input an order, but only to display information, such as information related to Italian restaurants. Any selection by the user would occur through a telephone device as discussed in Decker in connection with the description of the system 60 and the system controller 140. ("Next, the controller 140 prompts the user to **push a particular button of the telephone keypad to indicate the user's selection**. For example, the initial menu screen may request the user to push "1" for adventures, "2" for dramas, "3" for comedies, etc. A tone is generated when a telephone keypad button is pushed which is received by the interactive board 260 and communicated to the controller 140. The controller 140 then controls the menu generator 189 to generate a new screen which presents the user a menu of movies from which to choose a movie by utilizing the telephone 101.") *See* Decker, Col. 10, Ln. 50-60.

The Office Action is therefore again incorrect in concluding that the television unit is used for ordering a movie, Italian food, or any other item. As such, the combination does not teach the priority request being entered on a television unit located at the resort facility because the television of Decker is not utilized as an input device.

The Office Action further cites Haave to include a system in which a television is utilized as an input device. Haave has been cited as disclosing "ordering by television items which are located remotely of the room in which the product is located." The pay-per-view system in Haave does not disclose a television unit as the input device to order movies. Rather, a telephone connection seems to be the preferred method:

"The substations are equipped to take orders from the remote receiving locations by, for example, telephone lines, computerized, voice response telephone answering systems (ARU or VRU), automated telephone number identification (ANI) systems or through two way cable systems that have the capability of processing subscriber pay-per-view orders entered on a converter remote control device in the subscriber's location." *See* Haave, Col 4, Ln 44-52.

Nothing in this text, or anywhere else in Haave's disclosure, is there an indication that Haave discloses "ordering by television items which are located remotely of the room in which the product is located" as cited in the Office Action. Applicant's respectfully request the Examiner to cite a section of Haave disclosing a priority request being entered on a television unit as taught in Claim 19.

In addition, Claim 19 recites in part "receiving from a patron a priority request for an allocation of a time of entry into the attraction, the priority request being entered on a television unit located at a resort facility." Therefore, the user request is for a time of entry into the attraction in an entertainment environment, and not a delivery of an entertainment product (e.g. television programming to the hotel) as disclosed in Haave.

Finally, Applicants respectfully remind the Examiner that a rejection based on a hypothetical combination that makes the system inoperable cannot be sustained. If Mahoney were combined with Decker and Haave, Mahoney would simply cease to work for its intended purpose. The computer terminals in Mahoney would be television units as disclosed in Decker and/or Haave. As previously stated, the television units of Decker do not work as input devices. Thus, if the television units of Decker are used in combination with Mahoney, the system in Mahoney would be rendered inoperable because patrons would not be able to enter their requests.

Accordingly, Applicants submit that Mahoney in combination with Decker and Haave does not teach a television unit as an input unit.

b) The combination does not teach a television unit located remotely from the entertainment environment.

Mahoney in view of Decker and in further view of Haave does not teach a television unit located remotely from the entertainment environment. Claim 19 recite that the resort facility is located remotely from the entertainment environment, and further that the television unit is at the resort facility. Thus, the television units are located remotely from the entertainment environment.

If Mahoney were combined with Decker, the television units would be inside the park, not remotely away from the park. This is because Mahoney teaches away from computer terminals being located outside of the park. "The card satellite terminals 22, 24 and 26 are located within the theme park 40 but not in the waiting line area of a specific ride, event or food service outlet. The card line terminals 28, 30 and 32 are located within the theme park and are placed inside the waiting line area of a specific ride, event or food service outlet." *See* Mahoney, Col.3, Ln. 43-48. Therefore, Mahoney in combination with Decker and Haave does not teach a television unit located remotely from the entertainment environment.

In Mahoney, if the computer terminals were to be located outside of the park, such modification would change the principle of operation of Mahoney. The Federal Circuit has been clear regarding modifications that would change the principle of operation of a prior art reference. "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). (See also 2143.01 § IV, V).

Accordingly, Applicants submit that Mahoney in combination with Decker and Haave does not teach a television unit located remotely from the entertainment environment.

II. There is no motivation to combine or modify

"The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." As such, the question is whether one of ordinary skill in the art would have been, at the time the invention was conceived, motivated by an implicit or explicit teaching or suggestion found in the prior art to combine the references as combined in the Office Action. Furthermore, the second requirement set by the Federal Circuit mandates that a reasonable expectation of success must also be taught in the prior art.

The Office Action does not provide a motivation to combine Mahoney and Decker. In addition, the Office Action offers the following motivation to modify the combination (Mahoney and Decker) with Haave: "it would be obvious to modify the combination to include the television ordering and response feature in the combination above the motivation being using the large screen display to better view reservation plans." *See* Office Action, page 4, Line 4-7. It is not clear to Applicants how the size of the screen would motivate one skilled in the art to utilize Haave, especially since Haave does not mention the size of television screens.

Applicants submit that one of ordinary skill in the art would not have been motivated to combine Mahoney and Decker and Haave because neither Decker nor Haave teach or suggest utilizing a television as an input device to make a priority request.

At least for the foregoing reasons, Applicants submit that independent Claim 19 is not rendered obvious by Mahoney in view of Decker and in further view of Haave. Claims 20-34 depend from Claim 19. Therefore, Applicants submit that dependent Claims 20-34 are not rendered obvious by Mahoney, Decker and Haave either. Therefore, Applicants respectfully request that the rejections to Claims 19-34 be withdrawn.

Conclusion

Applicants have complied with all requirements made in the above referenced communication. Applicants submit that the present application is in condition for allowance, and therefore, respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 58085-010203 is referred to when charging any payments or credits for this case.

Respectfully submitted,

Date: September 12, 2006

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